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United States District Court
Eastern District of California

United States of America,
Plaintiff, No. 04-74 LKK
vs. Detention Order (Violation of
Milton Henry Carter, Pretrial Release, Probation or
Supervised Release)
Defendant.

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_____ After a hearing pursuant to 18 U.S.C. § 3148
(violation of pretrial release order), the court
finds:

_____ There is probable cause to believe the person
has committed a federal, state or local crime
while on release and the defendant has not
rebutted the presumption that his release will
endanger another or the community or

_____ There is clear and convincing evidence that
the defendant has violated another condition
of release and

_____ based on the factors set forth in 18 U.S.C. §
3142 (g) there is no condition or combination
of conditions of release that will assure that
the defendant will not flee or pose a danger

1 to the safety of another person or the
2 community or

3 the person is unlikely to abide by any
4 condition or combination of conditions of
release. F.R.Cr.P. 32.1(a)(D), 46(c), 18
U.S.C. § 3148.

5 X Pursuant to F.R.Cr.P. 32.1(a) and 46(c) and 18
6 U.S.C. § 3143 (violation of probation or supervised
7 release) the court finds defendant has not met his
8 burden of establishing by clear and convincing
evidence that he will not flee or pose a danger to
another person or to the community.

9 IT IS ORDERED that pursuant to 18 U.S.C. § 3142(I)(2)(4)
10 defendant is committed to the custody of the Attorney General for
11 confinement in a corrections facility separate, to the extent
12 practicable, from persons awaiting or serving sentences or being
13 held in custody pending appeal. The defendant shall be afforded
14 reasonable opportunity for private consultation with his counsel.
Upon further order of a court of the United States or request of an
attorney for the United States the person in charge of the
corrections facility in which defendant is confined shall deliver
defendant to a United States Marshal for the purpose of an
appearance in connection with a court proceeding.

15 Dated: August 8, 2005.

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17 /s/ Peter A. Nowinski
18 Peter A. Nowinski
19 Magistrate Judge
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